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Attorneys for Marc H. Berger

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | NO. CR-17-491-RS |
| |) | |
| |) | STIPULATION AND PROPOSED ORDER |
| |) | SETTING BRIEFING SCHEDULE |
| v. |) | |
| |) | |
| |) | |
| MARC HOWARD BERGER, |) | |
| |) | |
| Defendant. |) | |

The parties appeared before the Court for a status conference on January 30, 2018. At that appearance, Mr. Berger represented his intent to file certain pre-trial motions including, potentially, a request for judicial immunity, a request for a Rule 15 deposition of Steven Burrill, and a motion to dismiss. The parties agreed to meet and confer and submit a proposed schedule to the Court. The Court advised that the proposed schedule should ensure that any motions are fully briefed no later than one week before the hearing date.

The parties request that the Court specially set a hearing on the motions on March 28, 2018 at 10:00 a.m. and have agreed to the following briefing schedule:

STIPULATION AND [PROPOSED] ORDER RE BRIEFING SCHEDULE
[CR-17-491-RS]

1 February 22, 2018: Deadline to file motions

2 March 15, 2018: Deadline to file oppositions, if any

3 March 21, 2018: Deadline to file replies, if any

4 The parties further agree that that they are not precluded from bringing additional pre-trial and
5 trial motions, including a discovery motion, consistent with the Court's standing order and Local Rules,
6 in advance of the pre-trial conference on June 22, 2018.

7 IT IS SO STIPULATED.
8

9 Respectfully submitted,

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11 Dated: February 7, 2018

12 /s/

MIRANDA KANE

Attorney for Defendant Marc H. Berger

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14 ALEX G. TSE (CSBN 152348)
Acting United States Attorney

15
16 Dated: February 7, 2018

17 /s/

ROBERT S. LEACH

Assistant United States Attorney

18
19 /s/

LORI A. HENDRICKSON

Trial Attorney

20 U.S. Department of Justice, Tax Division
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~~PROPOSED~~ ORDER

The Court HEREBY ORDERS that the following briefing schedule applies to defendant Marc H. Berger's pre-trial motions, including a request for judicial immunity, a request for a Rule 15 deposition of Steven Burrill, and a motion to dismiss: the deadline to file motions is February 22, 2018. Oppositions, if any, are due March 15, 2018. Replies, if any, are due March 21, 2018. The Court will hold a hearing on these motions on March 28, 2018 at 10:00 a.m.

This Order does not preclude the parties from bringing additional pre-trial and trial motions, including a discovery motion, consistent with the Court's standing order and Local Rules, in advance of the pre-trial conference on June 22, 2018.

IT IS SO ORDERED.

Dated: 2/7/18


HON. RICHARD SEEBORG

UNITED STATES DISTRICT JUDGE